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15 February 1945

MEMORANDUM FOR THE JOINT CHIEFS OF STAFF

I deem it my duty to place before the Joint Chiefs of Staff certain considerations relating to recent newspaper publications of JCS documents.

1. Under date of 18 November 1944 I forwarded to the President a memorandum concerning the necessity for a central intelligence service, to which was attached a draft of the substantive authority required by such a service. The President referred this memorandum to the Joint Chiefs of Staff, who issued J. C. S. 1181 reproducing the original documents (with certain formal and now significant changes) and referring them to the Joint Intelligence Committee for consideration.

2. On 1 January 1945 the JIC issued J.I.C. 239/5 containing certain recommendations to the JCS (through the Joint Strategic Survey Committee) with respect to the original proposal. The contents of J.C.S. 1181 and J.I.C. 239/5 were published in the Chicago "Tribune" and the Washington "Times-Herald", with the by-line of Walter Trohan, Washington correspondent of the Chicago "Tribune", in their issues of 9 February and 11 February 1945.

This document has been approved for release through the HISTORICAL REVIEW PROGRAM of the Central Intelligence Agency.

Date 6/26/91

HRP

FROM THE FILES OF THE DIRECTOR
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HS/HC- 31
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* attachments subject to DOD concurrence.

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3. Proof that the newspapers published the contents of J.C.S. 1181 and J.I.C. 239/5 - and not my original memorandum - is clearly evident from a comparison of all documents, revealing that:

- (a) In both J.C.S. 1181 and the newspaper articles the word "Enclosure" is placed at the head of the memorandum to the President; this word was not contained in the original memorandum;
- (b) In J.C.S. 1181 and the newspaper articles the terms "Joint Chiefs of Staff" and "the Office of Strategic Services" are employed where the original memorandum used the abbreviated references "JCS" and "OSS";
- (c) The draft of authority attached to the original memorandum was referred to therein as "Tab A"; in both J.C.S. 1181 and the newspaper articles it is referred to as "Appendix".

4. Such public disclosure of a secret JCS paper strikes at the heart of military security. Unless this act is speedily investigated and punished, the future security of JCS documents may be jeopardized. Further, thousands in Government service who would see such a violation occur with impunity might well feel no need of discretion in their own activities.

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5. To invade the security of the JCS, by publishing the detailed text of a pending plan, is a serious offense. It is even more serious to disclose to our enemies official expressions of the inadequacies of our intelligence services and the conflicts engendered by an attempt to remedy these deficiencies. This has already been capitalized and ridiculed by the German radio, which has asked two specific questions: (1) How were these secret documents made available to the press, (2) Who could have been interested in the publication of the documents?

6. Study of the articles leads to the conclusion that the publication was not the result of an accident or a "leak", but a deliberate plan to sabotage any reorganization of the U.S. intelligence services. The falsehood concerning the Frankfurter employment, the characterization of the proposal as a "Gestapo" and "super-spy" scheme of the President, the immediate canvassing of Congress based upon misstatements and distortions of fact, all make clear a design and intent, through the incitement of suspicion and antagonism, to prevent adoption of any proposal.

7. The first article alone might have been construed as an attempt to discredit a specific agency or individual. But the second article containing and attacking the recommendations of the JIC confirms the conclusions that whoever transmitted the

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documents or their contents to the newspapers was motivated by a determination to destroy any project, by whomsoever proposed, which might lead to the establishment of a central intelligence system.

8. The past history of the newspapers concerned may explain their readiness to make a political attack on the President by any means. Whatever the motive of the newspapers, it is clear that the producer of the document used these newspapers to create fear of an American Gestapo and to prevent ultimate approval of any plan for a central intelligence service. Further bearing upon intent and motive is the clear evidence in the newspaper articles that consideration was given to legal advice before publication. The disclosure then made, in wilful disregard of consequences to the nation, at so critical a moment in the war and in the planning of peace, is in the nature of a treasonable utterance.

9. While the above inferences are clear, establishment of the facts is more difficult. For example, there can be no dispute that when this proposal was presented to the various JCS committees there were differences of opinion and hostile comments. Participating in these discussions were both officers and civilians. The relationships of all having access to these docu-

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ments must be inquired into by counsel, skilled in the investigation and trial of cases, in order to explore possible channels of disclosure and to assess possible motives. Statements made must be measured - whether they be those of witnesses before the committee or arguments made in separate or private conferences outside committee meetings - they must be measured and compared with the substance of similar statements in the articles.

10. This can be effectively accomplished only by a judicial or quasi-judicial body armed with the power to subpoena and to compel testimony under oath. Creation of such an authority under the JCS is perhaps not feasible. However, a body with power to accept testimony under oath may be immediately constituted.

Therefore, I respectfully recommend that a body be designated, and properly empowered, to inquire into and to report upon the facts and circumstances surrounding the public disclosure of the JCS documents.

William J. Donovan
Director

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THE JOINT CHIEFS OF STAFF

WASHINGTON 25, D. C.

S E C R E T

16 February 1945.

MEMORANDUM FOR: The Secretary of State
Director of Strategic Services
Director, Federal Bureau of Investigation
Administrator, Foreign Economic Adminis-
tration

Subject: Unauthorized disclosure of the
contents of J.C.S. 1181 and
J.I.C. 239/5.

1. The Joint Chiefs of Staff desire to call to your
attention the following facts:

a. Copies of a memorandum to the President
from the Director of Strategic Services, together
with a draft directive on the subject of a central
intelligence service, dated 18 November 1944, were
issued to certain offices of the War and Navy Depart-
ments and perhaps to other governmental agencies.

b. Copies of J.C.S. 1181, which is a document
that reproduced the memorandum and draft directive
referred to in paragraph a above, dated 25 November
1944, were furnished to certain personnel of your
office then, or at a later time.

c. Copies of J.I.C. 239/5, which contains the
comments and recommendations in the form of a report
on J.C.S. 1181 to the Joint Chiefs of Staff by the
Joint Intelligence Committee on 1 January 1945 were
furnished to certain personnel of your office then
or later.

d. A signed article by Walter Trohan published
in the Washington Times Herald of 9 February 1945 in-
cluded word for word the contents of either the memo-
randum and draft directive of the Office of Strategic
Services or the contents of J.C.S. 1181, with the ex-
ception of one sentence, which was omitted and with
certain editorial changes made in the original docu-
ments of OSS when J.C.S. 1181 was issued.

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e. A signed article by Walter Trohan published in the Washington Times Herald of 11 February 1945 included word for word the contents of J.I.C. 239/5, except for page 1.

2. The Joint Chiefs of Staff are very much concerned with this unauthorized disclosure of the above described "Secret" documents and request that every effort be made to ascertain whether or not the documents issued to personnel of your office are still on hand and, in addition, whether or not they were furnished to Walter Trohan or any other representative of the Chicago Tribune or Washington Times Herald, or any other unauthorized person, directly or indirectly.

3. An investigation is now being conducted in the War and Navy Departments to ascertain whether or not any copies of the documents in question were released for publication.

For the Joint Chiefs of Staff:

/S/ E. J. King

E. J. KING,
Fleet Admiral, U.S. Navy,
Commander in Chief, U.S. Fleet
and Chief of Naval Operations.

- 2 -

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22 February 1945

MEMORANDUM FOR THE JOINT U.S. CHIEFS OF STAFF:

SUBJECT: JCS Memo 16 February 1945 Concerning Unauthorized
Disclosure of Contents J.C.S. 1181 and J.I.C. 239/9 [5]

1. One copy of J.C.S. 1181 was furnished to Brigadier General John Magruder of this office. It was returned to the JCS at their request, and we hold receipt for same.

2. Three copies of J.I.C. 239/5 were furnished to members of this agency. They, too, were returned to the JCS at their request, and receipts given.

3. The copies of my memorandum of 18 November 1944 to the President which remained in this office are on hand and their whereabouts have at all times from the date of issuance been known to us.

4. On 11 February 1945 I sent a member of my staff to the Joint Chiefs' Secretariat to compare the language of my memo of 18 November 1944 to the President (which had been referred to the Joint Chiefs of Staff) with the quotation of it in the Trohan article which appeared in the 9 February editions of the Chicago "Tribune and the Washington "Times Herald". Examination revealed that the quotation in the Chicago "Tribune"

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conforms in every particular with the memo of 18 November 1944 to the President after certain changes in format had been made by the Joint Chiefs' Secretariat prior to mimeographing and distributing it as J.C.S. 1181. Note is made of your reference to the omission of one sentence in the quotation published in the Washington "Times Herald" article. We believe that this is due to the fact that the article was originally prepared for the Chicago "Tribune" and an inadvertent omission of the sentence was made when it was copied for the Washington "Times Herald".

5. A thorough investigation immediately after appearance of the Walter Trohan article on 9 February 1945 disclosed that personnel of this agency did not furnish the documents, or any of them, to Walter Trohan or any other representative of the Chicago "Tribune" or Washington "Times Herald", or to any other unauthorized person, directly or indirectly.

William J. Donovan
Director

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SECRET (When Filled In)

AREA OR COUNTRY(S)	ORGANIZATION	FUNCTIONS & TOPICS	PERSONALITIES	DOCUMENT
HQ	JCS	Security		DATE:
	JIC	Press		15 Feb 45
	OSS	Origins		to
	FBI			22 Feb 45
	FEA			CLASS.:
	State			NO.: S

IDENTIFICATION OF DOCUMENT (author, form, addressee, title & length)

Exchange of memoranda between General Donovan, the Joint Chiefs of Staff, and others concerning a breach in JCS security. 9pp. typed.

LOCATION:
HS/HC-801
Item 20 &

HS/HC-31 ✓
Item 12

ABSTRACT

These memoranda concern disclosures of secret JIC and JCS information in two newspapers, the Chicago "Tribune" and the Washington "Times-Herald". General Donovan felt that an agency should be established to control and investigate breaches of security. An investigation followed the incident and General Donovan declared that no member of his agency was responsible for the break in security.

(Source document for HS-1, Chapter I, page 50.)